

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|-----------------------|
| Applicant : Robinson et al. | Art Unit : 1633 |
| Serial No. : 10/763,049 | Examiner : Scott Long |
| Filed : January 22, 2004 | Conf. No. : 3662 |
| Title : IMMUNIZATION BY INOCULATION OF DNA TRANSCRIPTION UNIT | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), UNIVERSITY OF MASSACHUSETTS MEDICAL CENTER, a corporation, and ST. JUDE CHILDREN'S RESEARCH HOSPITAL, a corporation, certify that they are the assignees of the entire right, title, and interest in the above-referenced application by virtue of a chain of title from the inventors of the patent application identified above, to the assignees as shown below:

1. From Harriet L. Robinson, Ellen F. Fynan, and Shan Lu to the University of Massachusetts Medical Center, recorded with respect to U.S.S.N. 08/187,879 (the parent of the above-identified application), in the Patent and Trademark Office at Reel 6924, Frame 0283 on March 31, 1994.

2. From Robert G. Webster to St. Jude Children's Research Hospital, recorded with respect to U.S.S.N. 08/187,879 (the parent of the above-identified application), in the Patent and Trademark Office at Reel 6924, Frame 0287 on March 31, 1994.

The Assignees further certify that they are the assignees of the entire right, title, and interest in U.S. Patent No. 5,643,578, by virtue of a chain of title from the inventors of U.S. Patent No. 5,643,578, to the assignees as shown below:

1. From Harriet L. Robinson and Ellen F. Fynan to the University of Massachusetts Medical Center, recorded in the Patent and Trademark Office at Reel 006841, Frame 0715, on April 5, 1993.

2. From Robert G. Webster to St. Jude Children's Research Hospital, recorded in the Patent and Trademark Office at Reel 006481, Frame 0712, on April 5, 1993.

Applicant : Robinson et al.
Serial No. : 10/763,049
Filed : January 22, 2004
Page : 2 of 3

Attorney's Docket No.: 07917-217002 / UMMC 91-
03A2 US (CON); SJ-91-004B

The undersigned have reviewed all the documents in the chain of title of the patent application identified above and in the chain of title of U.S. Patent No. 5,643,578, and, to the best of their knowledge and belief, title of both is in the assignees identified above.

The undersigned (whose titles are supplied below) are empowered to act on behalf of the assignees.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignees identified above hereby waive and disclaim the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of U.S. Patent No. 5,643,578, provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 5,643,578.

The assignees identified above do not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S. Patent No. 5,643,578 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignees herein do not disclaim or otherwise affect any part of U.S. Patent No. 5,643,578.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Please apply \$65 for the required fee pursuant to 37 C.F.R. § 1.20(d) and any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 07917-217002.

Applicant : Robinson et al.
Serial No. : 10/763,049
Filed : January 22, 2004
Page : 3 of 3

Attorney's Docket No.: 07917-217002 / UMMC 91-
03A2 US (CON); SJ-91-004B

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: August 14, 2007

James P. McNamara

Title: James P. McNamara, Ph.D.,
Executive Director
Office of Technology Management
University of Massachusetts
University of Massachusetts Medical School

Date: _____

Title: _____
St. Jude Children's Research Hospital

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906